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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INTERSERVE, INC. dba TECHCRUNCH, a
Delaware corporation, and CRUNCHPAD,
INC., a Delaware corporation,

Plaintiffs,

vs.

FUSION GARAGE PTE LTD., a Singapore
company,

Defendant.

CASE NO. C 09-cv-5812 RS (PVT)

**FUSION GARAGE'S RESPONSE TO
PLAINTIFFS' NOTICE REGARDING
SUBMITTED MATTERS (FUSION
GARAGE'S RENEWED MOTION FOR
PROTECTIVE ORDER (Dkt. No. 93))**

[CIVIL L.R. 7-13]

Hon. Patricia Trumbull

1 Plaintiffs' "Notice Regarding Submitted Matters" is inappropriate and contrary to Local
2 Rule 7-13. Plaintiffs argue that their Notice is appropriate – even though less than 120 days have
3 passed since Fusion Garage's Renewed Motion for Protective Order was submitted for decision –
4 because resolution of Fusion Garage's motion "has particular urgency." (Notice, 2.) However,
5 there is no such urgency. There has been no Rule 26(f) conference in this case, there is no cut-off
6 date for discovery or summary judgment motions, and there is no trial date. While it is true that
7 Plaintiffs have requested to depose certain Fusion Garage witnesses in October – and Fusion
8 Garage has agreed to present its witnesses at that time – nothing in the case schedule requires that
9 these depositions occur in October. Rather, the October "deadline" is an artificial deadline of
10 Plaintiffs' own making. Given that there is no cut-off date for discovery or summary judgment,
11 Plaintiffs could plainly notice these depositions for a later date if they so wished. In sum, there is
12 no "urgency" to a resolution of Fusion Garage's Renewed Motion for Protective Order, and it is
13 improper for Plaintiffs to file a premature "Notice Regarding Submitted Matters" which states,
14 without support, that such urgency exists.

15 DATED: August 30, 2010

16 QUINN EMANUEL URQUHART &
17 SULLIVAN, LLP

18 By /s/ Evette D. Pennypacker

19 Evette D. Pennypacker
20 Attorneys for Defendant Fusion Garage PTE Ltd.

1 I, Sam S. Stake, am the ECF User whose identification and password are being used to file
2 this document. Pursuant to General Order 45.X.B., I hereby attest that Evette D. Pennypacker has
3 concurred in this filing.

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5 /s/ Sam S. Stake
6 Sam S. Stake

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